

THE *Polit. Pamphlet 55.*  
PROTESTATION *115. 262*  
OF THE  
LORDS

Upon rejecting the *Impeachment* of Mr. *Fitz-Harris.*  
March 28. 1681. *16*

**B**Ecause that in all Ages it hath been an *Undoubted*  
*Right* of the *Commons*, to impeach before the *Lords*,  
any Subject, for *Treasons*, or any Crime what-  
soever; and the reason is, because great Offences that In-  
fluence the *Parliament*, are most effectually determined in  
*Parliament.*

We cannot reject the *Impeachment* of the *Commons*,  
because that Suit or Complaint can be determined no-  
where else: For, if the Party Impeached should be Indi-  
ted in the *King's Bench*, or in any other Court, for the  
same Offence, yet it is not the same Suit; for an *Impeach-*  
*ment* is at the Suit of the *People*, and they have an Inter-  
est in it, but an *Inditement* is at the Suit of the *King*:  
For, one and the same Offence may intitle several  
Persons to several Suits; as, if a Murder be commit-  
ted, the King may indite at his Suit, and the Heir, or  
the Wife of the Party murdered may  
bring an \* *Appeal*; and the King can-  
not release that *Appeal*, nor his In-  
ditement prevent the Proceedings in the  
*Appeal*; because the *Appeal* is the Suit  
of the Party, and he hath an Interest  
in it.

\* Which is alwayes  
to be preferred, and  
upon notice thereof,  
all Prosecutions at  
the Suit of the King  
is to stop, till the Pro-  
secution at the Suit  
of the Party be de-  
termined.

It is, as we conceive, an *absolute Denial of Justice*, in regard, as it is said before, the same Suit cannot be tryed any where else. The House of *Peers*, as to *Impeachments*, proceed by virtue of their *Judicial Power*, and not by their *Legislative*; and as to that, act as a *Court of Record*, and can deny Suitors (especially the *Commons of England*, that bring *Legal Complaint* before them) no more than the Justices of *Westminster-Hall*, or other Courts can deny any *Suit* or *Criminal Cause*, that is regularly-commenced before them.

Our Law saith, in the Person of the King, *Nulli negabimus Justitiam*, we will deny Justice to no single Person; yet here, as we apprehend, Justice is denied to the whole Body of the People; this may be interpreted, an Exercising of *Arbitrary Power*, and will, as we fear, have Influence upon the Constitution of the *English Government*, and be an Incouragement to all inferiour Courts, to exercise the same *Arbitrary Power*, by denying the Presentments of *Grand Juries*, &c. for which, at this time, the *Chief Justice* stands impeached in the *House of Peers*.

These Proceedings may misrepresent the *House of Peers* to the King and People, especially, at this time; and the more, in the particular Case of *Edward Fitz-Harris*, who is publickly known to be concerned in vile and horrid Treasons against his Majesty, and a great Conspirator in the *Popish Plot*, to murder the King, and destroy and subvert the *Protestant Religion*.

Monmouth  
Kent  
Huntington  
Bedford  
Salisbury  
Clare  
Stamford

Sunderland  
Essex  
Shaftsbury  
Macklesfield  
Mordant  
Wharton

Paget  
Grey of Wark  
Herbert of Cherbury  
Cornwallis  
Levelace  
Crew